

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**LYNWOOD R. EASTERLING, JR. and
MERILYNN L. EASTERLING**

PLAINTIFFS

v.

CIVIL ACTION NO. 2:20-cv-25-KS-MTP

**SOUTHERN FARM BUREAU INSURANCE COMPANY
and PELICAN STATE ADJUSTING**

DEFENDANTS

ORDER

THIS MATTER is before the Court on Plaintiffs’ Motion to Compel [9]. Plaintiffs filed this action on February 11, 2020, and Defendants filed Answers [10] [11] on March 20, 2020. Before the Defendants filed their Answers, Plaintiff filed the instant Motion [9] requesting that the Court compel Defendant Southern Farm Bureau Casualty Insurance Company (“Southern Farm”) to produce copies of its claim files concerning Plaintiffs’ property in Hattiesburg, Mississippi.

Pursuant to Federal Rule of Civil Procedure 24(d), “[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.” This proceeding is not exempted from initial disclosure, and the parties are not authorized to seek discovery before the Rule 26(f) conference. As Plaintiff was not yet authorized to seek discovery from Defendants, their Motion to Compel [9] is premature.¹

¹ Even if discovery were permitted, the Motion would be premature as the Federal Rules of Civil Procedure and this Court require the parties to confer in good faith and require the parties to participate in a telephonic discovery conference with the magistrate judge before any discovery

IT IS, THEREFORE, ORDERED that Plaintiffs' Motion to Compel [9] is DENIED.

SO ORDERED this the 1st day of April, 2020.

s/Michael T. Parker
UNITED STATES MAGISTRATE JUDGE

motion may be filed. *See* Fed. R. Civ. P. 37(a)(1); 16(b)(3)(v). These issues will be discussed at the case management conference.